

REMARKS

The Specification

Minor amendments are made to the specification to correct typographical errors and to add the serial number of a commonly owned, copending application cited in the instant application. For example, under the heading “CROSS-REFERENCE TO RELATED APPLICATIONS,” it is clarified that the present application is a non-provisional filing, not a continuation-in-part of the priority document. At page 24, the serial number of the application incorporated by reference by attorney docket number is inserted. The filing receipt for the cited application is attached hereto as evidence of the correspondence of the docket number and the Application No. At page 26, line 26, the sentence fragment “Presently preferred” is deleted. No new matter is added by any of the amendments.

Status of the Claims

Claims 32-62 are pending in the present application. Claims 32-37, 39-42, 44-50 and 56-62 are allowed. Claims 38, 43 and 51-55 are rejected as being allegedly indefinite. Applicant responds to the rejection with a combination of amendment and explanation.

The Rejections

Under 35 U.S.C. §112, second paragraph

Claim 38 is rejected as lacking antecedent basis for reciting that the “modified nucleic acid” is a “peptide nucleic acid.” The dependence of claim 38 is amended from claim 37 to claim 32. Claim 32 recites that “NA” may be selected from “modified nucleic acids”. Accordingly, claim 38 included proper antecedent basis for each element.

Claim 43 is rejected for reciting “wherein X and Y are independently attached to members selected from...of said nucleic acid chain.” The Examiner correctly states that the formula of claim 32 shows X and Y attached to linkers R² and R³, respectively. Accordingly,

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PATENT

Amtd. dated

Reply to Office Action dated May 12, 2004

claim 43 is amended to recite that the linker-stabilizing moiety cassettes, R²-X and R³-Y, are attached to a selected component of nucleic acid.

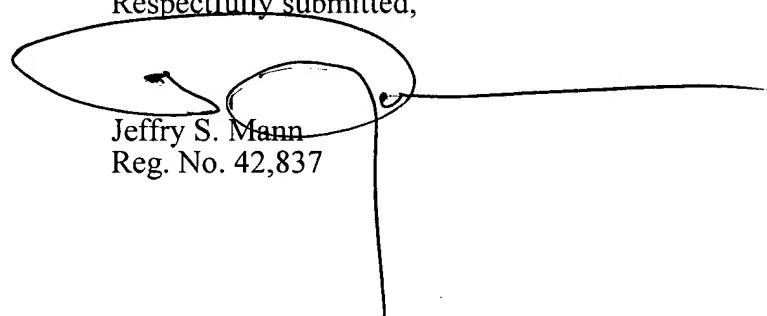
Claim 51 is amended to correct the features of the displayed structure to which the Examiner objects. Specifically, the symbols "R¹" and "R²" are changed to R³-CHOL and R⁴-CHOL. The amendment removed the reason underlying the Examiner's objection. The original use of R¹ and R² is a drafting error as verified by the structure in **FIG. 1A** in which the groups corresponding to R³-CHOL and R⁴-CHOL have the formula R¹¹-PEG-Y³-CHOL. No new matter is added by this amendment.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,



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